

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MEIJER, INC. & MEIJER DISTRIBUTION,  
INC.,

No. C 07-5985 CW

Plaintiffs,

ORDER DENYING  
PLAINTIFFS' MOTION FOR  
LEAVE TO FILE UNDER  
SEAL (DOCKET NO. 32)

v.

ABBOTT LABORATORIES,

Defendant.

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ROCHESTER DRUG COOPERATIVE, INC.,

No. C 07-6010 CW

Plaintiff,

ORDER DENYING  
PLAINTIFF'S MOTION FOR  
LEAVE TO FILE UNDER  
SEAL (DOCKET NO. 26)

v.

ABBOTT LABORATORIES,

Defendant.

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LOUISIANA WHOLESALE DRUG COMPANY,  
INC.,

No. C 07-6118 CW

Plaintiff,

ORDER DENYING  
PLAINTIFF'S MOTION FOR  
LEAVE TO FILE UNDER  
SEAL (DOCKET NO. 44)

v.

ABBOTT LABORATORIES,

Defendant.

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1 Plaintiffs in the above-captioned cases have moved for leave  
2 to file under seal portions of their brief in opposition to  
3 Abbott's motion to dismiss. Their request relates to their  
4 opposition to a dispositive motion. Accordingly, the brief may not  
5 be filed under seal unless there is a "compelling interest" in  
6 doing so. Pintos v. Pac. Creditors Ass'n, 504 F.3d 792, 801-03  
7 (9th Cir. 2007).

8 Pursuant to Local Rule 79-5, if any party objects to the  
9 public filing of any document, that party must file a declaration  
10 establishing with particularity the need to file the document or a  
11 portion thereof under seal. The statement must explain how the  
12 party stands to be harmed by the public filing of the objectionable  
13 information. A blanket statement that the party considers the  
14 document confidential or has designated the document as subject to  
15 a stipulated protective order is not sufficient to demonstrate that  
16 the document is sealable. See Local Rule 79-5(a).

17 The relevant portions of the brief refer to information that  
18 Abbott purportedly considers confidential. Abbott, however, has  
19 not filed a declaration establishing a compelling interest to  
20 justify filing this document under seal, as it was required to do  
21 within five days of Plaintiffs' request. See Local Rule 79-5(d).  
22 Nor does the fact that Abbott may have designated the material as  
23 subject to the stipulated protective order in the related 04-1511  
24 case establish good cause to file it under seal. See Local Rule  
25 79-5(a).

26 For these reasons, Plaintiffs' motions are DENIED. Pursuant  
27 to Local Rule 79-5(d), Plaintiffs shall file in the public record  
28

1 in each of the above-captioned cases an unredacted version of their  
2 opposition brief.

3 IT IS SO ORDERED.

4 

5 Dated: 3/24/08

6 CLAUDIA WILKEN  
United States District Judge